



David B. Cohen
Mayor

CITY OF NEWTON, MASSACHUSETTS

Department of Planning and Development
Michael J. Kruse, Director

Telephone
(617)-796-1120
Telefax
(617) 796-1142
E-mail
mkruse@ci.newton.ma.us

Public Hearing Date: June 15, 2004
Land Use Action Date: To be scheduled
Board of Aldermen Action Date: August 9, 2004
90-Day Expiration Date: September 13, 2004

TO: Board of Aldermen

FROM: Michael Kruse, Director of Planning and Development
Nancy Radzevich, Development Review Coordinator
Alexandra Ananth, Planner

SUBJECT: Petition #238-04 of MARK WASHBURN & ROSARIA FERRANTE for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct two dwelling units, to be attached to an existing 2-family dwelling which will be converted to a single-family dwelling, for a total of three units, at 63-65 BROADWAY, Ward 2, NEWTONVILLE, on land known as Sec 23, Blk 6, Lot 19, containing approx. 18,000 sf of land in a district zoned MULTI RESIDENCE 1.

CC: Mayor David B. Cohen

The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis which may be useful in the special permit decision making process of the Board of Aldermen. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the Board of Aldermen will consider in its discussion at a subsequent Working Session.

I. ELEMENTS OF THE PETITION

The subject property is located at 63-65 Broadway Street, and consists of an 18,000 sq. ft. lot improved with a 2-story, two-family brick residence circa 1953. The petitioners are seeking to convert the existing two-family structure into a single-family dwelling, and to attach two new single-family units onto the rear of the existing structure. The petitioners are proposing 3 surface parking stalls and three single-car garages within the proposed new construction.

As of June 10, the Planning Department notes a number of deficiencies with this petition:

- *The petitioners need to file for demolition review with the Newton Historical Commission;*
- *Architectural plans do not include proposed materials or 3rd floor plans, which should be submitted prior to the public hearing; and*
- *The petition does not include the building height and FAR of the existing structure, which should be submitted prior to the public hearing.*

The Planning Department has called the petitioners and advised them of these deficiencies. The Planning Department recommends the public hearing be kept open until the petitioners address each of the above-mentioned items.

The City's Chief Zoning Code Official (CZCO) has completed his review of this application for special permit. A copy of his memorandum, dated June 3, 2004, is attached to this document (SEE ATTACHMENT "A"). In addition to the items listed above, the CZCO notes a number of deficiencies as well. In particular, the petitioners need to provide attic calculations to assure that it meets the definition of a half story.

II. ZONING RELIEF BEING SOUGHT

The petitioners are seeking approval through or relief from the following sections of the City's Zoning Ordinance:

1. *Section 30-9(b)(5) allows the Board of Aldermen to grant a special permit in a Multi-Residence District for single family attached dwellings; and*
2. *Section 30-9(b)(5)(b) allows the Board of Aldermen to grant exceptions to Section 30-9(b)(5)(a) (no parking space shall be located within 20 ft. of a boundary line and no driveway shall be located within 10 ft. of a side or rear lot line) and to the dimensional controls in Section 30-15, if it is determined that literal compliance is impractical due to the nature of the use, or the location, size, frontage, depth, shape, or grade of the lot, or that such exceptions would be in the public interest, or in the interest of safety or protection of environmental features. The petitioners are requesting waivers for the driveway to be located within 10 ft. of the side lot line, and for waivers of side yard setbacks and lot coverage.*

III. SIGNIFICANT ISSUES FOR CONSIDERATION

In reviewing this petition, the Board should consider the following:

- *Whether the specific site is an appropriate location for a 3-family attached dwelling style development;*
- *Whether the additional units and associated changes to the parking area will result in vehicular or pedestrian safety concerns;*
- *Whether the design and scale of the addition and associated changes to the parking area are appropriate to the existing structure, site, and neighborhood; and*
- *Whether the driveway setback, sideyard setbacks, and lot coverage proposed are appropriate and if there are any unique features to this site which would make*

literal compliance with the required dimensional controls impractical.

IV. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Site

The subject property is located at 63-65 Broadway Street, near the Nonantum – Newtonville border. The site consists of a level 18,000 sq. ft. lot, which is currently improved with a 2-story, 2-family brick veneer residence with a hip style roof. According to the City Assessor's Database, the existing structure is approximately 3,060 sq. ft. and was built in 1953.

The site is also improved with a brick garage and breezeway that is proposed for demolition.



63-65 Broadway Street

B. Neighborhood and Zoning

The subject property is located on the northeast side of Broadway Street in Nonantum, close to the border of Newtonville, between Linwood Avenue and Churchill Street, and not far from the intersection of Crafts and Watertown

Streets. The parcel is part of a block that is zoned Multi-Residence 1, though the two abutting lots on Linwood Street are zoned Single-Residence 3.

Though the site is zoned MR1, approximately half of the block is comprised of modest single-family structures. Overall, the subject property is one of the largest lots in the immediate neighborhood and the existing structure is in scale with other residences in the area.

The site is within walking distance of the Horace Mann Elementary School and Day Middle School, as well as the Hawthorne Playground.

V. ANALYSIS

A. Technical Considerations

The following table compares the proposed attached dwelling development to the technical requirements as follows:

Attached Dwellings in Multi-Residence 1 (by special permit)	Required (for attached dwellings)	Existing	Proposed
Minimum lot size	15,000 sq. ft	18,000	18,000
Minimum lot area per unit	4,000 sq. ft.	9,000	6,000
Frontage	80 ft.	90	90
Setbacks			
Front	25 ft.	25.9	25.3
Side (west)	25 ft.	10.7	10.7
Side (east)	25 ft.	44	22.6
Rear	25 ft.	116.6	41.5
Building height	30 ft.	Less than 30 ft.	26.5 ft.
Max. # of stories	2½-stories	2 stories	2½-stories
Floor area ratio	Max. set on a case by case basis	.17	.51
Lot coverage	25%	11.9%	29.8%
Open space	50%	73%	55%

As illustrated above, the existing building is 10.7 ft. from the northwest side lot line. Attached dwellings have required setbacks of 25 ft, and the petitioners are not proposing to meet the side setback requirements. The petitioners are also proposing a lot coverage almost 20% greater than the maximum permitted. The petitioners are seeking relief through Section 30-9(5)(b), which allows for exceptions to the dimensional controls in Section 30-15, if it is determined that compliance is impractical.

For reference purposes the maximum permitted FAR for a two-family structure in this district is .4. The existing structure has an approximate FAR of .17. The petitioners are proposing an FAR of .51, an increase of 200% over existing FAR.

The Planning Department notes that by right alternatives for this lot could allow up to a 7,200 sq. ft. (not including the attic) 2-family structure plus a detached garage up to 700

sq. ft. Alternatively, if the petitioners do not demolish more than 50% of the existing structure they could build an addition that would be only limited by setbacks, lot coverage, and open space requirements but not by FAR.

B. Land Use

The petitioners are proposing to convert the existing 2-family structure into a single-family residence and to construct two new single-family attached dwellings for a total of 3 units on-site. Though the site is zoned for multi-family use, the Planning Department has concerns regarding the proposed massing of the structure, requested relief from dimensional controls, and compatibility with the surrounding neighborhood. The Planning Department also notes that there are no other attached dwelling units in the immediate neighborhood.

The Planning Department has prepared a Neighborhood Comparison Chart (SEE “ATTACHMENT B”), which contains information on lot size, number of units on site, lot area per unit, dwelling size, approximate floor area per unit, and approximate FAR. It appears that the subject property is one of the largest lots in the immediate neighborhood. Though the proposed additional unit would not cause significant deviation from the average lot area per unit, the proposed structure would to be significantly larger (2x-3x) than any other structure in the immediate area. In addition, the individual units would be double the average housing unit size for the neighborhood.

C. Building Design and Site Improvements

The subject property consists of an 18,000 sq. ft. lot improved with a 2-story, 2-family brick veneer residence. The petitioners are proposing to demolish the existing garage, breezeway, and rear porch, and to replace the hip style roof with a cross gable style roof. The petitioners are also proposing to add a new entry with porch onto the existing house, and to re-side the house with what appears to be clapboard siding. The existing structure is over 50 years old; however, the petitioners have not had the proposed demolition of the existing structure reviewed by the Newton Historical Commission. The Planning Department recommends that the public hearing remain open, until the petitioners have submitted the application and had it reviewed by the Commission, since they may recommend changes to the project.

The proposed attached dwellings appear to be clapboard and shingle and repeat the cross gable style roof proposed for the existing structure. The proposed addition will be approximately 77.5 ft. long and 42 ft. deep. Each proposed new unit would be over 3,000 sq. ft. excluding attic space (but including the 1-car garages).

The Planning Department notes that the proposed units are significantly larger in scale than surrounding dwelling units and their attached dwelling style does not appear to be in keeping with the single- and two-family character of other houses in the neighborhood. Multiple structural encroachments occur into required side yard setbacks and the petitioners are requesting relief from the maximum lot coverage. The Planning Department believes the petitioners can reduce the size

(bulk) of the units for a more modestly scaled 3-family residence that would be better suited for the site and more in character with the surrounding neighborhood.

The City's Zoning Ordinance states that the Board may grant waivers to the dimensional controls "...if it is determined that literal compliance is impractical due to the nature of the use, or the location, size, frontage, depth, shape, or grade of the lot, or that such exceptions would be in the public interest, or in the interest of safety or protection of environmental features." The Planning Department does not believe there are any features of the use or lot, which make compliance with the dimensional controls impractical. *Reducing the mass and footprint of the structure to a more appropriate scale (i.e. 2,400-2,600 sq. ft. per unit) would better maintain the character of the neighborhood and may also eliminate the need for requested side yard setback and lot coverage relief.*

The Planning Department notes that there is not a continuous sidewalk along the northeastern side of Broadway Street, but some lots on the block do have sidewalks. *The Planning Department recommends the petitioners add a concrete sidewalk and granite curbing along their entire frontage.*

As previously stated, the petitioners should submit revised plans and elevation showing proposed building materials, 3rd floor plans, and half story calculations before the public hearing is closed.

D. Parking

Currently the site contains an approximately 35 ft. wide curbcut leading to the existing garage that is proposed for demolition. The petitioners are proposing to reduce the curbcut to 14 ft. at Broadway Street. Three surface parking stalls are proposed on the east side of the existing structure and three single-car garages will be incorporated into the new construction. Access and parking appears to be adequate for the site, however, *the Planning Department recommends the width of the driveway be reduced to 12 ft, a continuous pedestrian pathway be added to connect the rear units to the public way, and a concrete sidewalk and granite curbing be added along the entire frontage.*

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E. Landscaping

Based on the submitted landscape plan, dated 5/9/04 by Surrounding Landscape Design, it appears that an emphasis was made to improve the streetscape along Broadway Street, with four Red Maple trees and two Hawthorne trees proposed in the front yard.

The site has an open rear yard and notations on the landscape plan indicate that adjustments to the plan have been made to reflect comments of the neighbors. However, it appears that the petitioners are relying on a 6 ft. solid wood fence to screen the majority of the proposed construction from most of the abutting properties. The Planning Department recommends that additional trees

(deciduous and evergreens) be added throughout the site to help screen the mass of the new construction and to break up the long fence. The petitioners do not appear to be removing any existing trees from the site.

F. Department Reviews

The Acting City Engineer is expected to complete his site review prior to the scheduled public hearing.

G. Relevant Site Plan Approval Criteria

1. Convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent streets, properties or improvements.

The proposed circulation pattern indicates that a new 14 ft. wide curb-cut will extend from Broadway Street along the eastern side of the site approximately 125 ft. back, with 3 exterior parking stalls. The petitioners are also proposing three single-car garages as part of the new construction. Although access and parking appear to be adequate for the site, *the Planning Department recommends the petitioners reduce the driveway width to 12 ft.*

The Planning Department notes that there does not appear to be a pedestrian walkway from the rear units to the public way. Given the proximity of schools and parks, a safe pedestrian way from all units to the public way should be incorporated into the site plan. The petitioners should also add a concrete sidewalk and granite curbing along the entire frontage. *Prior to the Working Session the Planning Department recommends that the site plans be revised to include a safe and continuous pedestrian walkway, which minimizes conflicts with the parking stalls and vehicular accessways, a reduced driveway width, and a concrete sidewalk and granite curbing along the entire frontage.*

2. Screening of parking areas and structures on the site from adjoining premises or from the street.

The petitioners are proposing six new trees be located in front of the existing house to help integrate the structure with the surrounding neighborhood, and are proposing a row of evergreen yews and purple leaf cherry shrubs to screen the three surface parking stalls.

The petitioners are proposing a 6 ft. solid wood fence to surround most of the sides and rear of the property. The Planning Department recommends additional trees and evergreens be added around the site to both help screen the massing of the new attached dwellings and to break up the long fence.

3. Avoidance of major topographical changes.

The project is designed to work with the existing topography and the plans do not indicate any changes of grade in excess of 3 ft.

4. Consideration of site design including the location and configuration of structures and the relationship of the site's structures to nearby structures in terms of major design elements including scale, materials, color, roof and cornice lines.

As stated earlier, though the subject property is one of the largest lots in the immediate area, the proposed attached dwellings will be 2-3 times larger than the existing structure and surrounding residences. There are multiple structural encroachments into required setback areas and the *Planning Department recommends that the petitioners reduce the scale of the proposed addition to a more appropriate scale (i.e. 2,400-2,600 sq. ft. per unit) in order to better maintain the character of the neighborhood and eliminate the need for requested side yard setback and lot coverage relief.*

While the petitioners have made some improvements to the plans over pre-submittal reviews, there is still some room for improvement. The proposed attached dwellings appear to be clapboard and shingle and repeat the cross gable style roof proposed for the existing structure. The proposed style of roofline adds to the massing of the structure and the Planning Department recommends the gables be reduced to dormers in order to minimize the apparent massing of the structure.

Generally the rhythm of the façade arrangement of the new units is roughly garage, entrance, garage, entrance, with the garage doors protruding from the facades. Pushing the garages back a few feet and extending the front doors/porches forward would help break up the visual impact of the garage doors. Additionally, offsetting the units slightly could soften the continuous face of the units.

5. Adequacy of disposal of wastes.

The petitioners have not indicated where trash will be stored for collection. The petitioners should provide further information on this subject prior to the Working Session.

6. Avoidance of the removal or disruption of historic resources.

The subject structure was built in 1953 and any proposed demolition is subject to review by the Newton Historical Commission. *Though the structure does not appear to be architecturally or historically significant the petitioners should be expected to file an application with the Commission and complete the review process prior to the close of the public hearing, as the Commission may recommend changes to the project.*

H. Relevant Special Permit Criteria

1. The specific site is an appropriate location for such use/structure.

The site is located in a Multi-Residence 1 District, comprised of a mix of single- and two-family structures. The proposed attached dwelling units are significantly larger than all of the surrounding residences, and appear to be out of context with the surrounding single- and two-family neighborhood. The Planning Department believes that a reduced three-family residence that meets the dimensional controls would be more appropriate for this location.

2. The use as developed and operated will not adversely affect the neighborhood.

The Planning Department believes that the proposed use as developed *will adversely affect* the neighborhood, as the attached units appear to be out of scale with the surrounding area. The Planning Department also believes that the dimensional controls should be met in order to minimize impacts on the neighborhood.

3. There will be no nuisance or serious hazard to vehicles or pedestrians.

See Sections V.-D., and G.-1. & 2.

4. Access to the site over streets is appropriate for the types and numbers of vehicles involved.

See Sections V.-D., and G.-1. & 2.

VI. SUMMARY

The subject property is located at 63-65 Broadway Street, and consists of an 18,000 sq. ft. lot improved with a 2-story, two-family brick residence circa 1953. The petitioners are seeking to convert the existing two-family structure into a single-family dwelling, and to attach two new single-family units onto the rear of the existing structure. The petitioners are proposing 3 surface parking stalls and three 1-car garages within the proposed new construction. The petitioners are requesting waivers for the driveway to be located within 10 ft. of the side lot line, and for waivers of side yard setbacks and lot coverage.

Though the site is zoned MR1, approximately half of the block is comprised of modest single-family structures. Overall, the subject property is one of the largest lots in the immediate neighborhood and the existing structure is in scale with other residences in the area. The Planning Department has concerns regarding the proposed site design, massing of the structure, requested relief from dimensional controls, and compatibility with the surrounding neighborhood. The proposed attached dwellings will be 2-3 times larger than the existing structure and surrounding residences and the Planning Department recommends that the petitioners reduce the scale of the proposed addition to meet the dimensional controls.

Additionally, the Planning Department recommends the petitioners reduce the width of the driveway to 12 ft, incorporate a continuous pedestrian walkway from the rear units to the public way, and add a concrete sidewalk and granite curbing along the entire frontage. The Planning Department also recommends the petitioners consider modifications to the architectural treatments and additional trees throughout the site to help minimize the massing of the new construction.

Prior to the close of the public hearing:

- 1. The petitioners should have all proposed demolition reviewed by the Newton Historical Commission; and***
- 2. The petitioners should submit revised architectural elevations and plans to the Planning Department including proposed building materials, third floor plan, and calculation for any proposed half-story.***

Prior to the Working Session:

- 1. The petitioners should respond to all issues raised by the Chief Zoning Code Official and Acting City Engineer; and***
- 2. The petitioners should consider reducing the width of the driveway to 12 ft, incorporating a pedestrian walkway out to the public way, revising the architectural treatments of the units, adding a concrete sidewalk and granite curbing along the entire frontage, and adding additional trees and evergreens to the site in order to help break up the massing of the new construction from abutting properties.***

ATTACHMENT “B”***Neighborhood Comparison Chart***

<u>Address</u>	<u>Lot Area</u>	<u># of Units</u>	<u>Lot Area Per Unit</u>	<u>House Size</u>	<u>Approx. Floor Area Per Unit</u>	<u>Approx. FAR</u>
63-65 Broadway St (existing)	18,000	2	9,000	3,060	1,530	0.17
61 Broadway St	9,000	1	9,000	1,691	1,691	0.19
55-57 Broadway St	5,182	1	5,182	1,970	1,970	0.38
75-77 Central St	9,000	2	4,500	2,620	1,310	0.29
49 Broadway St	18,090	1	18,090	1,652	1,652	0.09
29 Churchill St	6,558	4	1,640	3,447	862	0.53
64 Broadway St	10,725	1	10,725	1,792	1,792	0.17
62 Broadway St	10,725	1	10,725	2,041	2,041	0.19
54 Broadway St	10,810	1	10,810	1,707	1,707	0.16
48-50 Broadway St	10,309	2	5,155	2,496	1,248	0.24
42 Broadway St	6,190	2	3,095	1,465	733	0.24
246 Linwood Ave	8,450	1	8,450	1,676	1,676	0.20
236 Linwood Ave	8,854	1	8,854	1,110	1,110	0.13
230-232 Linwood Ave	4,287	2	2,144	2,580	1,290	0.60
228-228 Linwood Ave	4,892	2	2,446	2,628	1,314	0.54
222-224 Linwood Ave	4,238	2	2,119	3,096	1,548	0.73
218-220 Linwood Ave	5,634	2	2,817	2,588	1,294	0.46
263-65 Nevada St	9,000	2	4,500	2,250	1,125	0.25
267-69 Nevada St	9,000	2	4,500	2,250	1,125	0.25
271-273 Nevada St	9,000	2	4,500	2,940	1,470	0.33

275 Nevada St	9,000	2	4,500	2,296	1,148	0.26
281 Nevada St	18,090	2	9,045	2,396	1,198	0.13
3-5 Churchill St	6,233	2	3,117	2,744	1,372	0.44
13 Churchill St	6,242	1	6,242	2,038	2,038	0.33
19 Churchill St	6,242	1	6,242	1,841	1,841	0.29
25 Churchill St	6,242	1	6,242	2,207	2,207	0.35
Avg.	8,519		6,062	2,171	1,419	0.30
63-65 Broadway St (proposed)	18,000	3	6,000	9,290	3,097	0.52